

EXPRESS MAIL EL474252104US

REISSUE PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re	:	Reissue Patent Application	:	
	:	of Robert A. Vito for	:	
	:	U.S. Patent 5,870,912	:	Previous Examiner: Suzanne D. Barrett
	:		:	
Serial No.	:	Not yet assigned	:	Previous Group Art Unit: 3627
	:		:	
Filed	:	Herewith	:	
	:		:	
For	:	ANTI-THEFT BRAKE	:	Attorney Docket No.
	:	LOCKING DEVICE	:	10332-1RE

PRELIMINARY AMENDMENT

Preliminary to the calculation of fees and examination of the above-identified reissue application being transmitted herewith, please amend U.S. Patent No. 5,870,912 (the '912 patent) without prejudice or disclaimer, as follows

In the Abstract:

Please replace the paragraph of the abstract with the following:

A device for locking [the] a brake pedal and brake pedal shaft of a vehicle, [and preventing its theft comprising:] which includes a base member for a placement on [the] a floorboard of [a] the vehicle beneath [a] the brake pedal[;] and break pedal shaft. [a] A U-shaped housing [extending] extends downward and [having] has a first arm attached to the base and [having] a second shorter arm defining [a gap] an opening for receipt of [a] the brake pedal shaft[,]. [said space] The opening between the first and second arms [defining] defines a slot for receiving the brake pedal shaft and [permitting its] permits

full extension of the brake pedal shaft upward through said [shaft;] slot. [and] A locking [means] mechanism is associated with the [second] first arm for locking [the] an underside of the pedal shaft within the slot such that the brake pedal cannot be depressed.

In the Specification:

Please amend the specification as follows:

Replace the paragraphs beginning at column 3, lines 27, 29, 33 and 35 with the following paragraphs, respectively:

FIG. 1 is [an elevational] a perspective view of the brake anti-theft device of the present invention.

FIG. 2 is [an elevational] a perspective view of the handle and lock pin utilized with the brake lock mechanism of the brake anti-theft device of the present invention.

FIG. 3 is [an elevational] a perspective view of the brake anti-theft device of the present invention in an inactive position.

FIG. 4 is [an elevational] a perspective view of the brake anti-theft device of the present invention in an activated state.

Replace the paragraph beginning at column 3, line 55 with the following:

Referring now to FIGS. 1 to 4, the brake anti-theft device of the present invention 10 comprises a base 12 which is placed on the floor of the vehicle adjacent to the brake pedal 36 and shaft 13. The base 12 thereby is affixed flush to the floorboard of the vehicle directly below the brake pedal 36 and pedal shaft 13.

Replace the paragraph beginning at column 4, line 1 with the following:

In a preferred embodiment, slot 22 should have an approximate width of the steel brake pedal shaft 13 such that the brake pedal shaft 13 extends through the slot and up to an extended position. In this position, the pedal 36 can be depressed freely as it extends downward through said slot 22.

Replace the paragraph beginning at column 4, line 7 with the following:

The invention further comprises a locking mechanism [24] 32 associated with a first arm 18 of the U-shaped housing. The second leg 18 of the U-shaped housing 14 includes a cylindrical tube 24 designed to encase a slidable locking pin 26 which is attached to the end of an extendible rod 28. The rod 28 contains machined lock ratchets or serrations 30 which extend out the tube of the rectangular steel housing to a locking mechanism 32. The second end of the rod 28 comprises a handle 34 which is used to pull the rod upward.

Replace the paragraph beginning at column 4, line 16 as follows:

The preferred locking mechanism or means 32 which is utilized in the present invention may be a commercially available key operated steering wheel locking mechanisms. There are other locking mechanisms suggested by the present invention including combination locks. The locking mechanism 32 locks [Locks] the machine locked ratchets 30 at the appropriate point. As shown most clearly in FIG. 4, as the rod 28 extends upward, the pin 26 enters the slot 22, pulls up (Arrow A) and secures the bottom

of the brake pedal shaft 13 so that it cannot be depressed. In this position, after being locking into place by pin 26, the brake pedal shaft cannot be depressed.

Replace the paragraph beginning at column 4, line 27 with the following:

The operation of the present invention is now described with reference to the enclosed Figures and most particularly FIGS. 3 and 4. The driver or operator desiring to utilize the device 10 will unlock the device and lower the pin 26 all the way down to the base 12. The base 12 will then be placed on the [floor board] floorboard 35 under the brake pedal 36 and shaft 13. The brake pedal shaft 13 will then extend through the opening 20 in the U-shaped housing and into the slot 22 with the base positioned squarely on the [floor board] floorboard of the vehicle. The operator will then pull up the handle 34 (Arrow B) thus raising the locking pin 26 upward into the slot 22 and securing the brake [base] pedal shaft 13 at its bottom in an upward position. The vehicle operator will then lock the device in this position using the lock mechanism such that the brake pedal 36 cannot be depressed, thereby disabling the operation of the engine and vehicle.

In the Claims:

Please amend claims 1, 4 and 7 as follows:

1. (Amended) A device for locking [the brake] a control pedal and control pedal shaft of a vehicle, [and preventing the theft of] said [vehicle] device comprising:

a base member for a placement on [the] a floorboard of [said] the vehicle beneath [a brake] a control pedal and [a brake] control pedal shaft;

a U-shaped housing extending downward and having a first arm attached to [the] said base and having a second shorter arm defining a gap for receipt of the [brake] control pedal shaft, said [space] gap between [the] said first and second arms defining a slot for receiving the [brake] control pedal shaft and permitting [the] full extension of [said] the [brake] control pedal shaft upward through said slot; and

a locking mechanism associated with [the] said first arm for locking [the] an underside of the pedal shaft within [the] said slot such that the [brake] control pedal cannot be depressed.

4. (Amended) A device for locking [the brake] a control pedal and a control pedal shaft of a vehicle, [and preventing the theft of] said [vehicle] device comprising:

a base member for placement on [the] a floorboard of [said] the vehicle beneath the [a brake] pedal and [brake] pedal shaft;

a metallic U-shaped housing extending downward and having a first arm attached to [the] said base and having a second shorter arm defining an opening for receiving the [brake] pedal shaft, said [space] opening between [the] said first and second arms defining a slot for receiving the [brake] pedal shaft and permitting [the] full extension of [said brake] the pedal shaft both upward and downward through said slot, said first arm having a cylindrical opening therethrough;

a rod extending through said cylindrical opening and being slidable [therewith] therein, said rod having a pin which catches [the] an underside of [said brake] the pedal shaft within [the] said slot and pulls the [brake] pedal shaft upward in a decompressed position; and

a locking mechanism for locking [the] a position of [the] said rod and pin with
respect to said housing such that the [brake or clutch] pedal cannot be depressed.

7. (Amended) A device for locking [the brake] a control pedal and control pedal
shaft of a vehicle, [and preventing the theft of] said [vehicle] device comprising:

a base member for a placement on [the] a floorboard of the vehicle beneath [a] the
[brake] pedal and [brake] pedal shaft;

a stainless steel U-shaped housing extending downward and having a first arm
attached to [the] said base and having a second shorter arm defining an opening for
receiving the [brake] pedal shaft, said [space] opening between [the] said first and second
arms defining a slot for receiving the [brake] pedal shaft and permitting [the] full
extension of [said] the [brake] pedal shaft both upward and downward through said slot,
said first arm having a cylindrical opening extending therethrough [and collinearly with
said slot];

a serrated rod extending through said cylindrical opening and being slidable
therein [therewith], said rod having a pin at a first end for catching [the] an underside of
[said brake] the pedal shaft within [the] said slot and a handle at a second end for pulling
the [brake] pedal shaft upward in a decompressed position; and

a locking mechanism adapted to lock [the] said serrated rod and pin with respect
to said housing [in position] such that the [brake] pedal cannot be depressed.

Please add claims 8 and 9 as follows:

8. An anti-theft device for locking a control pedal of a vehicle, said device comprising:

a base for placement on a floor of the vehicle beneath a control pedal and a control pedal shaft;

a housing secured to and extending upwardly from said base;

a locking member movable with respect to said housing from a first position proximate to said base and spaced from the pedal and pedal shaft to a second position spaced from said base and engaging an undersurface of at least one of the pedal and the pedal shaft; and

a locking mechanism for locking said locking member in the second position to thereby prevent the pedal from being operatively depressed.

9. An anti-theft device for locking a control pedal with respect to a floorboard of a vehicle, the device comprising:

a base member for a placement on the floorboard of the vehicle;

a first arm connected to said base member;

a second arm spaced from and extending generally parallel to said first arm to form an elongate slot between said first and second arms, said slot being sized to receive a shaft of the control pedal and permitting a full extension of the control pedal shaft through said slot; and

a locking mechanism operably associated with at least one of said first and second arms for locking at least a portion of the control pedal shaft within said slot to thereby prevent depression of the control pedal.

In the Drawings:

A proposed Drawing Amendment is enclosed showing proposed changes to Figures 1, 3 and 4 in red ink. Specifically, it is proposed that element numeral --14-- be added to Figs. 1, 3 and 4 and that element numeral --36-- be added to Fig. 4.

REMARKS

Claims 1-9 are pending in the present application, with claims 1, 4 and 7-9 being independent, and claims 8 and 9 being new. Claims 1, 4 and 7 have been amended to correct antecedent basis errors and to change “brake pedal” to --control pedal--. Claim 7 has been amended delete the element wherein the cylindrical opening and the slot are colinear, since the cylindrical opening and slot are not colinear. New claims 8 and 9 have been added to broaden the scope of protection afforded by the ‘912 patent.

The specification and abstract have been amended to correct idiomatic errors and to include missing element numerals. A submission of proposed drawing amendment has been submitted for approval by the Examiner. Specifically, it is proposed that element numeral --14-- be added to Figs. 1, 3 and 4 and that element numeral --36-- be added to Fig. 4. These requested drawing changes are made to conform to the reference numerals used throughout the specification. Approval is respectfully requested. Formal drawings

incorporating the proposed changes will be submitted upon approval of the proposed drawing changes and receipt of a Notice of Allowance.

Applicant is not seeking reissue of the '912 patent based upon the corrections to the specification, abstract and drawings. It is permissible to make such corrections in a reissue application. See M.P.E.P. § 1402.

No new matter is added to the application by this Preliminary Amendment. Applicants respectfully submit that the present application is in condition for examination and such examination is respectfully requested.

Respectfully submitted,

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2/15/2001

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Attention: Official Draftsperson

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In re	:	Reissue Patent Application	:	
	:	of Robert A. Vito for	:	
	:	U.S. Patent 5,870,912	:	Previous Examiner: Suzanne D. Barrett
	:		:	
Serial No.	:	Not yet assigned	:	Previous Group Art Unit – 3627
	:		:	
Filed	:	Herewith	:	
	:		:	
For	:	ANTI-THEFT BRAKE	:	Attorney Docket No.
	:	LOCKING DEVICE	:	10332-1RE

**SUBMISSION OF PROPOSED DRAWING AMENDMENT FOR APPROVAL BY
EXAMINER (37 C.F.R. 1.123)**

Please find enclosed a copy of the previously filed formal drawings for Figures 1-4 with red ink markings, showing proposed changes to Figures 1, 3 and 4, for which the approval of the Examiner is requested. Specifically, it is proposed that element numeral --14-- be added to Figs. 1, 3 and 4 and that element numeral --36-- be added to Fig. 4. These changes are made to conform the drawings to the reference numerals used in the specification.

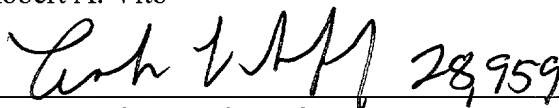
These requested drawing changes are made to conform to the reference numerals used throughout the specification.

Respectfully submitted,

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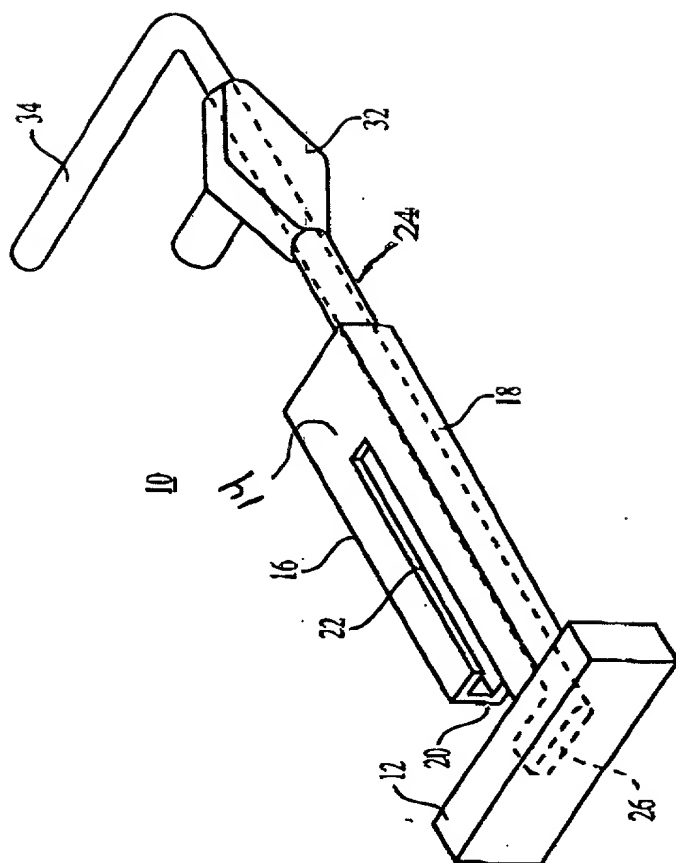
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FIG. 1

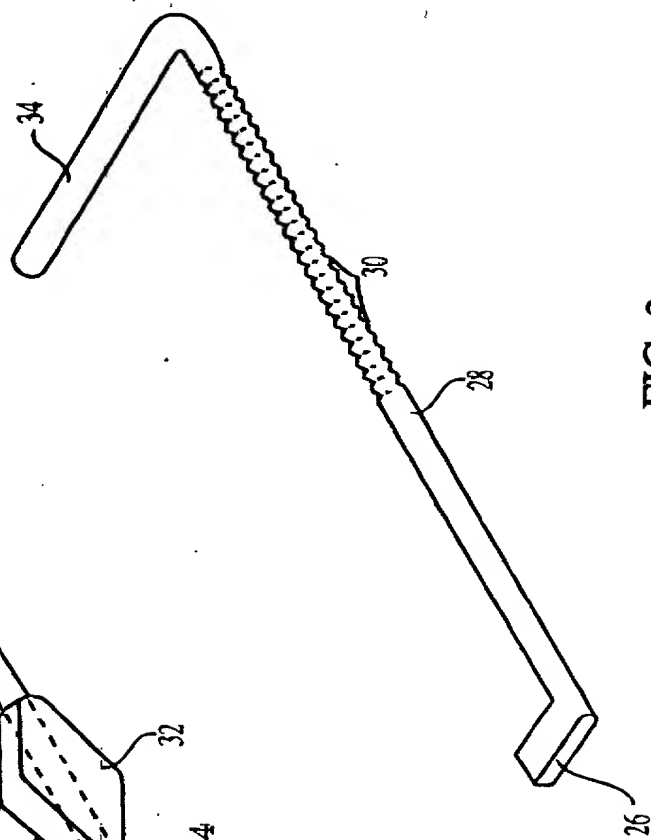


FIG. 2

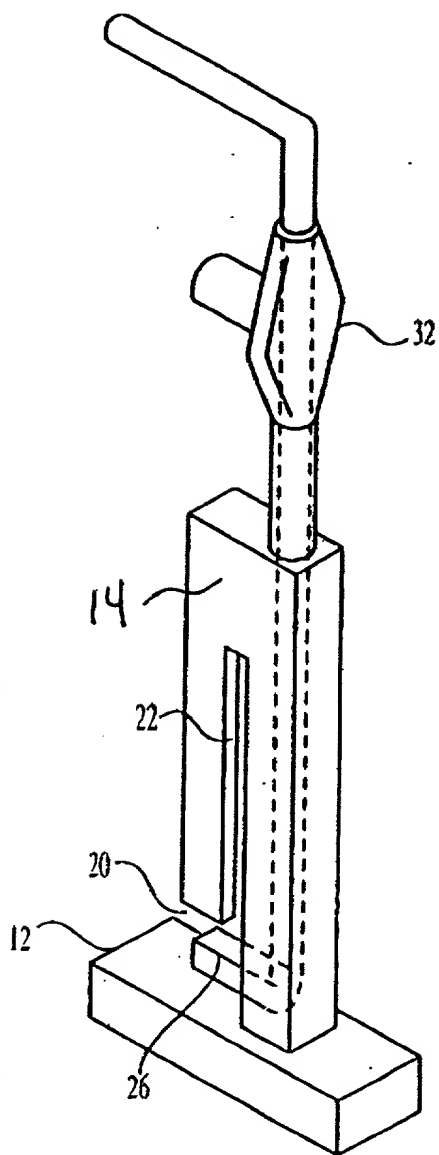


FIG. 3

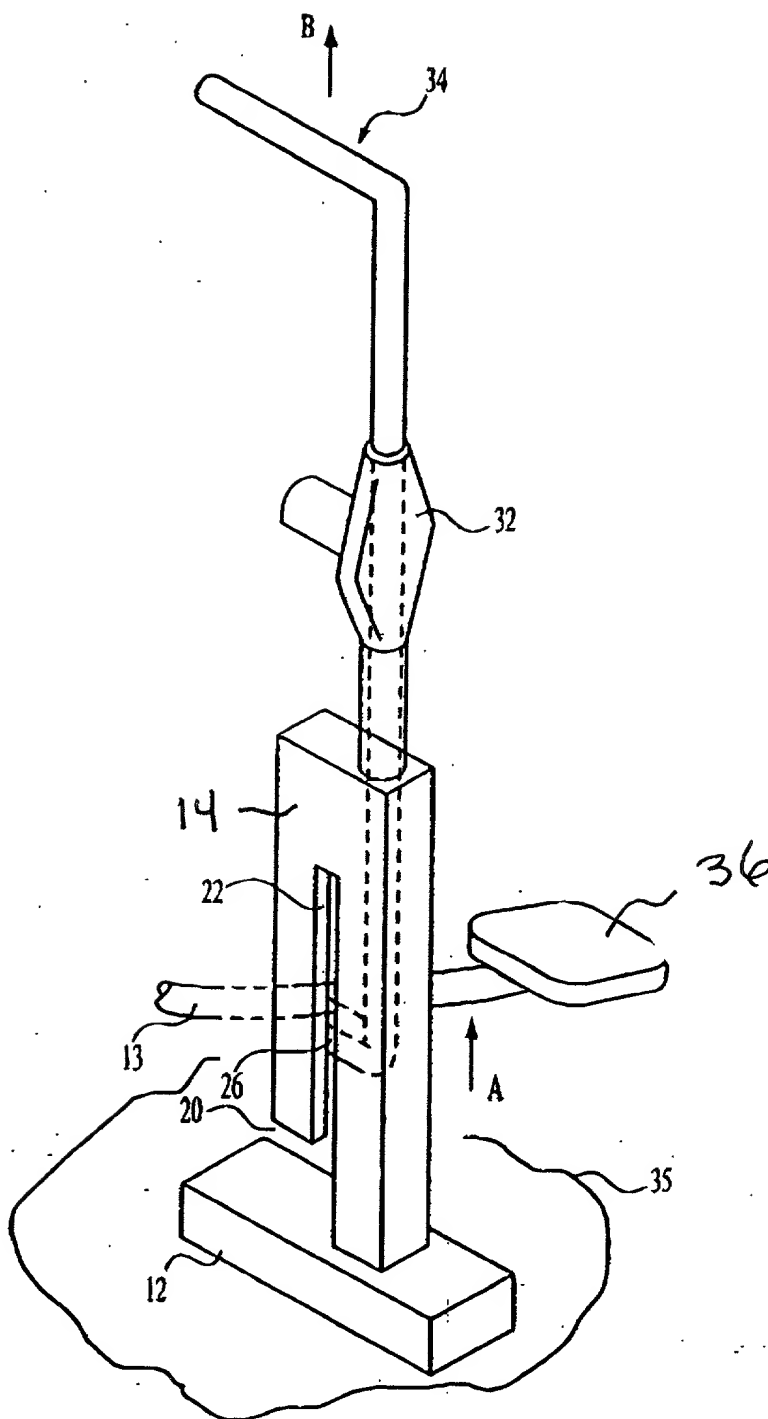


FIG. 4